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Diamond and Diamond Phillips, Inc.

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11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**  
13 **SAN FRANCISCO DIVISION**

14  
15 VAN PHILLIPS,

16 Plaintiff,

17 v.

18 JOHN DIAMOND, DIAMOND PHILLIPS,  
19 INCORPORATED an Illinois Corporation, AND  
20 DOES 1 THROUGH 50 INCLUSIVE,

21 Defendants.  
\_\_\_\_\_/

22 AND RELATED CROSS-ACTIONS  
23 \_\_\_\_\_/

24 IT IS HEREBY STIPULATED between the parties that the next Case Management  
25 Conference scheduled to be held on February 22, 2008 at 2:30 p.m. shall be continued to  
26 March 14, 2008 at 2:30 p.m. in Courtroom 10 of the San Francisco Division of the United States  
27 District Court-Northern District.

28 CBM-SF\SF391252.1

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STIPULATION TO CONTINUE CMC AND ORDER THEREON  
CASE NO. C073305 SI

1 Both the out-of-state Defendants and Plaintiff in California had difficulty in arranging  
2 a date for mediation and, with the mediator's busy schedule, the only date mutually satisfactory  
3 was February 22, 2008, the date of the previously scheduled Case Management Conference. As  
4 such, the parties scheduled an 8 hour mediation session on February 22 with the Hon. Richard M.  
5 Silver through JAMS in San Francisco. Given the complexity of issues in dispute, it is unlikely  
6 that the mediation will end early, and thus attending the case management conference will not be  
7 possible.

8 The parties hereby stipulate to continue the Case Management Conference in order to  
9 mediate this matter prior to further appearance before this Court.

10 It is so stipulated.

11  
12 Dated: January 25, 2008

JOHN W. HOWARD ATTORNEYS, LTD.

13  
14 By: Michelle Volk  
15 John W. Howard  
16 Michelle D. Volk  
Attorneys for Plaintiff Van Phillips

17 Dated: January 28, 2008

CARROLL, BURDICK & McDONOUGH LLP

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19 By: Jeffrey H. Belote  
20 Jeffrey H. Belote  
21 Attorney for John Diamond and Diamond  
22 Phillips, Incorporated

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**ORDER**

Good cause appearing, the Case Management Conference in this matter is hereby continued to March 14, 2008 at 2:30 p.m. in Courtroom 10 on the 19<sup>th</sup> floor of this Court.

IT IS SO ORDERED.

Dated: January \_\_, 2008

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Hon. Susan Illston  
U.S. District Judge